

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

|                               |   |                 |
|-------------------------------|---|-----------------|
| JEFFREY FRAZIER,              | ) | CV 09-170-M-DWM |
|                               | ) |                 |
| Plaintiff,                    | ) |                 |
|                               | ) |                 |
| vs.                           | ) |                 |
|                               | ) | ORDER           |
| OMNIFLIGHT HELICOPTERS, INC., | ) |                 |
|                               | ) |                 |
| Defendant.                    | ) |                 |
| _____                         | ) |                 |

The parties have filed a joint motion seeking to seal “any and all financial documents contained in the file... and all pleadings referencing financial information from public access.” (Dkt # 35.) The motion is too vague. The Court is unable to divine which documents the parties would like sealed and thus is unable to apply either of the relevant standards to the parties’ request.

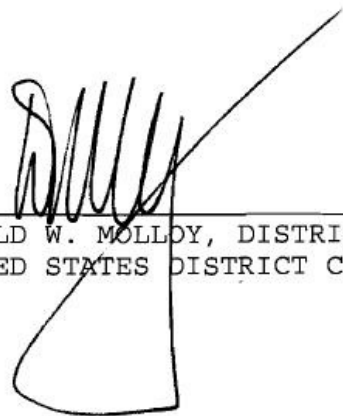
The analysis begins with a “strong presumption in favor of access” to court

records. Kamakana v. City & Co. of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006)(quoting Foltz v. St. Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2003)). Parties seeking to seal most judicial records must articulate “‘compelling reasons supported by specific factual findings’ that outweigh the general history of access and the public policies favoring disclosure.” Id. at 1179. The Court then balances the competing interests of the public and the parties. Id. “[E]mbarrassment, incrimination, or exposure to further litigation [are] not, without more,” sufficient reason to seal documents. Id. The likelihood documents will be used for an improper purpose, such as the release of trade secrets or for “business information that might harm a litigant’s competitive standing,” may be sufficient. Nixon v. Warner Communications, Inc., 435 U.S. 589 (1978). A lower standard applies to “private materials unearthed during discovery” and records attached to nondispositive motions. Pintos v. P. Creditors Assn., 605 F.3d 665, 678 (9th Cir. 2010); see also Foltz, 331 F.3d at 1135–1136. (Records attached to dispositive motions must meet the “compelling reasons” test. Id.) Parties seeking to seal these documents must show “good cause.” Id.

Accordingly, IT IS HEREBY ORDERED THAT the parties’ Joint Motion to Seal Financial Information and Documents in Court File (dkt # 35) is DENIED. The parties are granted leave to file another motion identifying the specific

documents they would like sealed, or the specific sections they would like redacted, and explaining their reasons in light of the relevant standards.

Dated this 23<sup>rd</sup> day of September, 2001.



DONALD W. MOLLOY, DISTRICT JUDGE  
UNITED STATES DISTRICT COURT